

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Case No. 6:10-cr-60102--MC

**STIPULATION AND ORDER TO
AMEND PREVIOUSLY-ENTERED
JUDGMENT**

v.

DUSTIN WILLIAM LINDSAY,

Defendant.

This matter is before the Court on defendant's motion to vacate or correct his sentence pursuant to 28 U.S.C. § 2255 and *Johnson v. United States*, 135 S. Ct. 2551 (2015). Based on the filings to date and the interests of justice in this particular case, the parties agree to resolve this matter, without precedential value in any other case, as follows: the parties agree that the judgment in this case should be amended to reduce the term of imprisonment from 120 months to 96 months. The parties further agree that all other aspects of the previously-imposed judgment and commitment order, including the term and conditions of supervised release, should remain the same.

The parties further agree that the Statement of Reasons should be amended to reflect a guideline range of 77 to 96 months' imprisonment, based on a Total Offense Level 21 and Criminal

History Category VI, with no grounds for departure or variance since the agreed sentence is within the amended guideline range.

The parties do not anticipate that defendant will be due for release from custody within the next three weeks, and therefore a release plan is unnecessary at this time.

The defendant has consulted with counsel and agreed to waive his right to a re-sentencing hearing and allocution, and any right he may have to be present for the amendment of his sentence, and stipulates to the provisions above.

Based on the above, and the Court concurring,

IT IS HEREBY ORDERED that an amended judgment and commitment order shall be prepared and entered in accordance with the stipulation of the parties, deleting the previously imposed term of 120 months' incarceration, and replacing it with a sentence of 96 months' incarceration. All other aspects of the judgment and commitment order previously entered in this case, including the term and conditions of supervised release, shall remain in full force and effect.

IT IS FURTHER ORDERED that the Statement of Reasons shall be amended to reflect a guideline range of 77 to 96 months' imprisonment, based on a Total Offense Level 21 and Criminal History Category VI, with no grounds for departure or variance.

Based on the agreement of the parties, this Order will not serve as precedential authority in any other case.

\\

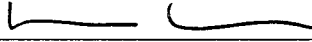
\\

\\

\\

\\

Dated this 29 day of Dec, 2016.



Honorable Michael J. McShane
United States District Court Judge

Presented upon agreement of the parties by:

s/ Craig E. Weinerman
Craig E. Weinerman
Assistant Federal Public Defender
Counsel for Defendant

BILLY J. WILLIAMS
United States Attorney

s/ Frank R. Papagni
Frank R. Papagni
Assistant United States Attorney